REMARKS

Claims 1-22 are pending in the application. In the non-final Office Action dated July 6, 2006, the Examiner made the following disposition:

A.) Rejected claims 1-3, 5, 7-10, 12, 14-17, 19, 21, and 22 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Pou (U.S. 6,188,423)* in view of *Tryon, III, et al. (U.S. 2003/0004679)("Tryon").*

B.) Objected to claims 4, 6, 11, 13, 18, and 20.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

A.) Rejection of claims 1-3, 5, 7-10, 12, 14-17, 19, 21, and 22 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Pou (U.S. 6,188,423)* in view of *Tryon, III, et al. (U.S. 2003/0004679)("Tryon"):*

Applicant respectfully disagrees with the rejection.

Claims 1, 8, 15, and 22 each claim subject matter relating to generating a dataset having at least one exposure level to failure of a computer-based system and a corresponding rule identifier of a rule used to calculate the exposure level. The rule asynchronously receives information about the computer-based system and calculates the exposure level based on the received information.

The generated dataset is compared to a previously generated dataset by comparing the at least one exposure level of the dataset to an at least one exposure level with the same rule identifier in the previously generated dataset. The previously generated dataset is associated with a known problem with the computer-based system.

A probability of a problem with the computer-based system is calculated based on a number of exposure levels in the generated dataset matching exposures levels in the previously generated dataset.

This is clearly unlike *Pou* in view of *Tryon.* As discussed above, Applicant's claimed invention generates a dataset having an exposure level and a rule identifier. The Examiner argues that *Pou* teaches generating a dataset that includes a rule identifier, however, Applicant disagrees. As the Examiner describes, *Pou's* micropocessor determines the resistance value of a number of printing elements to determine whether the elements have failed. *Office Action of 7/6/06* page 3; *Pou* 2:45-59. The Examiner appears to argue that this somehow teaches a rule identifier, by stating that

"the rule identifier is that of a resistance value vs. a failure threshold." *Office Action of 7/6/06,* page 3. A resistance value vs. a failure threshold is not a rule identifier -- it does not identify a rule. Instead, it is a formula -- it does not identify (*e.g.,* by name)a rule that uses a formula. For at least this reason, *Pou* fail to disclose or suggest Applicant's claimed generated dataset.

Further, *Pou* fails to disclose or suggest asynchronously receiving information and calculating an exposure level based on the received information. *Pou* clearly receives information synchronously, not asynchronously, as evidenced by the quote provided by the Examiner:

> After checking all of the printing elements to be monitored by the routine of FIG. 2, the microprocessor returns to the main routine, as will be apparent to one of ordinary skill wherein the main routine calls the routine of FIG. 2 to determine and store new resistance values for the printing element(s) so that the resistive trend can continue to be monitored.

Office Action of 7/6/06, page 3; *Pou* 4:49-55. As clearly described, *Pou's* main routine calls the routine of FIG. 2 to determine and store new resistance values. The main routine receives the resistance values at a desired time (*i.e.,* synchronously.) Nowhere does *Pou* suggest receiving its resistance values asynchronously. For at least this additional reason, *Pou* fails to disclose or suggest Applicant's claimed invention.

Further, as *Pou* fails to disclose generating a dataset that has a rule identifier, *Pou* could not suggest comparing a generated dataset to a previously generated dataset by comparing exposure levels with the same rule identifiers. As described by the Examiner, *Pou* merely compares stored resistance values to identify trends. *Office Action of 7/6/06,* page 3. Nowhere does *Pou* suggest comparing a generated dataset to a previously generated dataset by comparing exposure levels with the same rule identifiers. For at least this additional reason, *Pou* fails to disclose or suggest the claims invention.

Tryon also fails to disclose or suggest the claimed limitations described above. Therefore, *Pou* in view of *Tryon* still fails to disclose or suggest claims 1, 8, 15, and 22.

Claims 2, 3, 5, 7, 9, 10, 12, 14, 16, 17, 19, and 21 depend directly or indirectly from claims 1, 8, and 15 and are therefore allowable for at least the same reasons that claims 1, 8, and 15 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Objection to claims 4, 6, 11, 13, 18, and 20:

Applicant respectfully acknowledges the Examiner's finding of allowable subject matter in claims 4, 6, 11, 13, 18, and 20.

Independent claims 1, 8, and 15 are allowable as discussed above. Claims 4, 6, 11, 13, 18, and 20 depend directly or indirectly from claims 1, 8, and 15 and are therefore allowable for at least the same reasons that claims 1, 8, and 15 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-22 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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